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Indenture, Marshall County, MS, 25 June 1842

James Kerr

Jeremiah Morgan

Benjamin D. Treadwell

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WAR DEPARTMENT,

PENSION OFFICE, July 17, 1838.

The following rules, prescribed by the President of the United States, and adopted by the Secretary of War, in order to carry into effect the act of Congress of the 7th July, 1838, entitled "An act granting half pay and pensions to certain widows" are published for the information of applicants under that law.

1. Applicants must produce the best proof the nature of the case will allow, as to the service of the deceased officer or soldier, and the time when he died. It must be clearly shown in what troop or company, and regiment or corps, he served, and the grade he held. Proof, as to service, must be had, either from the records of the War Department, the muster-rolls, the testimony of commissioned officers, or the affidavits of persons of known respectability. Every applicant will make a declaration according to the subjoined form, before a court (a) of record, setting forth, according to the best of her knowledge or belief, the name and rank of the person on account of whose service the claim is presented; the day, month, and year, (if possible,) when he entered the service, and the time when he left the same; and, if under more than one engagement, the claimant must specify the particular periods, and the rank and names of the officers under whom the service was performed; the town or county, and State in which he resided when he entered the service; whether he was draughted, was a volunteer, or substitute; the battles, if any, in which he was engaged; the country through which he marched, with such further particulars as may be useful in the investigation of the claim; and, also, if the fact be so, that the claimant has no documentary evidence in support of the claim. From the best sources of information, evidence must be derived as to the period of the death (b) of the officer or soldier.

2. The legality of the marriage, and the time when it took place, must be clearly established; and it must also be shown that the widow was never afterwards married. Record-proof, as to the marriage, is always required, whenever it can be obtained. In a case where the town, county, parish, church, or family records afford no proof as to the period when the marriage took place, the fact must be established by the testimony of one or more respectable persons, whose credibility must be certified by the officer who may administer the oath. And, in order to prevent any mistake or improper use that may be made of the affidavit of an officer who may have the custody of records, from which he may make transcripts of the record, in relation to a marriage, the officer who may give his affidavit will, instead of copying the figures contained in the record, certify "that it is a true copy of the record, with the exception of the date, which is expressed on the record in fair legible figures, as follows:" [Here copy the day, month, and year, in letters and figures, in exact conformity with the original. Then let him add the following words:]

"I, A. B., above named, depose and say: that I hold the office
in the county, town, and State aforesaid, and that the above is a true extract from the records of
said _____ with the exception above named, as certified by me.

A. B., Clerk of the
(or rector, or pastor, as the case may be.)

Sworn before me,

C. D., Justice of the Peace."

And then will follow the certificate of the proper officer, under his seal of office, as to the official character and signature of the magistrate who may administer the oath. Where no record proof exists, other than the family record, the original record must be produced and sworn to by the person in whose possession it has been kept. (c)

3. In a case where the service of the deceased officer or soldier is clearly proved by record or documentary evidence, or the affidavit of a commissioned officer, showing the grade and length of service of the deceased, the particulars in relation to the service are not required to be set forth in the claimant's declaration; but she must swear in positive terms that she is the widow of the person

whose service is thus proved. And no claim whatever can be sustained without positive proof of service.

4. In every case in which the deceased officer or soldier was a pensioner, the fact should be so stated, and the deceased pensioner so described, as to enable the Department to refer immediately to the evidence upon which he was pensioned, and thus facilitate the investigation of the claim of the widow.

5. Applicants unable to appear in court, by reason of bodily infirmity, may make the declaration before required, before a judge or justice (*d*) of a court of record of the county in which the applicant resides, and the judge or justice will certify that the applicant cannot, from bodily infirmity, attend the court.

6. Whenever any official act is required to be done by a judge or justice of a court of record, or by a justice of the peace, the certificate of the Secretary of State or of the Territory, or of the proper officer or clerk of the court or county, under his seal of office, will be annexed, stating that such a person is a judge, or justice of a court of record, or a justice of the peace, and that the signature annexed is his genuine signature.

7. The widows of those who served in the navy or as Indian spies, will produce proof, as nearly as may be, conformably to the preceding regulations, and authenticated in a similar manner, with such variations as the different nature of the service may require.

J. L. EDWARDS,

Commissioner of Pensions.

EXPLANATORY NOTES.

(a) The declaration of the widow who claims must be made in all cases in open court, unless she is prevented by bodily infirmity from appearing before the court.

(b) It must in all cases be shown in what year the husband died. The testimony on this point must be positive, and the language must be free from all ambiguity.

(c) The family record must be sent to the Pension Office, if there be no other record, accompanied by the oath of the person in whose possession it has been kept. The person who may swear to the genuineness of the record, should give the name of the person in whose handwriting the record was made.

(d) A declaration made before a justice of the peace cannot be admitted as evidence.

DECLARATION

In order to obtain the benefit of the act of Congress of the 7th July, 1838, entitled "An act granting half pay and pensions to certain widows."

STATE [TERRITORY OR DISTRICT] } ss.
OF }

On this day of of the A. B., a resident of in the county of aged years, who being first duly sworn, according to law, doth, on her oath, make the following declaration, in order to obtain the benefit of the provision made by the act of Congress, passed July 7, 1838, entitled "An act granting half-pay and pensions to certain widows:" That she is the widow of who was a [Here insert the rank the husband held in the army, navy, or militia, as the case may be, and specify the service performed, as directed in rule numbered one of these regulations.]

She further declares that she was married to the said on the day of in the year seventeen hundred and that her husband, the aforesaid died on the day of ; that she was not married to him prior to his leaving the service, but the marriage took place previous to the first of January, seventeen hundred and ninety-four, viz: at the time above stated.

Sworn to and subscribed, on the day and year above written, before

AN ACT

Granting half pay and pensions to certain widows.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, if any person who served in the war of the revolution, in the manner specified in the act passed the seventh day of June, eighteen hundred and thirty-two, entitled "An act supplementary to the act for the relief of certain surviving officers and soldiers of the revolution," have died, leaving a widow, whose marriage took place after the expiration of the last period of his service and before the first day of January, seventeen hundred and ninety-four, such widow shall be entitled to receive, for and during the term of five years from the fourth day of March, eighteen hundred and thirty-six, the annuity or pension which might have been allowed to her husband, in virtue of said act, if living at the time it was passed: *Provided,* That, in the event of the marriage of such widow, said annuity or pension shall be discontinued.

SEC. 2. *And be it further enacted,* That no pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest, in any annuity, half pay, or pension granted by this act, shall be valid, nor shall the half pay, annuity, or pension granted by this act, or any former act of Congress, be liable to attachment, levy, or seizure, by any process in law or equity; but shall enure wholly to the personal benefit of the pensioner or annuitant entitled to the same; and that, before a warrant shall be delivered to any person acting for or in behalf of any one entitled to money under this act, such person shall take and subscribe an oath or affirmation, to be administered by the proper accounting officer, and put on file, that he has no interest in said money, by any pledge, mortgage, transfer, agreement, understanding, or arrangement, and that he does not know or believe that the same has been so disposed of to any other person.

SEC. 3. *And be it further enacted,* That the Secretary of War shall adopt such regulations and forms of evidence, in relation to applications and payments under this act, as the President of the United States may prescribe.

APPROVED, July 7, 1838.